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Review of the efficiency of the administrative and financial functioning of the United Nations

Proposed programme budget for the biennium 2008-2009

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Strengthening investigations

Report of the Secretary-General

1. In its resolutions 61/275 and 61/279 respectively, the General Assembly requested the Secretary-General to report to it in the context of the programme budget for the biennium 2008-2009 on the functions, structure and work processes of the Investigations Division with a view to strengthening the investigation function and to provide a comprehensive report to the Assembly at its sixty-second session on the results of the ongoing examination and rationalization of the investigation caseload and the overall review of the capacity of the Investigations Division of the Office of Internal Oversight Services (OIOS).

2. The results of the ongoing examination referred to in resolution 61/279 pertain to the review of the OIOS investigation function by an external expert commissioned for that purpose. At the 2005 World Summit, Member States decided that the expertise, capacity and resources of OIOS in respect of audit and investigations would be significantly strengthened as a matter of urgency (resolution 60/1). The Steering Committee on the Comprehensive Review of Governance and Oversight within the United Nations and Its Funds, Programmes and Specialized Agencies, established to prepare a report in response to that request, did not provide recommendations acceptable to the Assembly on the investigation function. The Under-Secretary-General for Internal Oversight Services therefore decided to commission a review that could be used as a guide for determining the actions required for strengthening the investigation function within OIOS.

3. In the annex to the present report, OIOS reports to the Secretary-General on strengthening its investigation function. The recommendations of the external expert are being used by OIOS as a basis for improving investigations in three areas: leadership and management; operating strategies and procedures; and optimal

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structure and location. The actions are practical in nature, and in several instances OIOS has already begun to implement them. With regard to leadership and management, OIOS indicates that the Deputy Director of the Investigations Division has been appointed and that the recruitment of a Director is in progress. Standard operating procedures for key activities in investigations are well on their way to being fully drafted and put into action. The updating of the Manual of Investigation Practices and Procedures, where relevant, will follow. The most significant operating change relates to the establishment of a Case Intake Committee and specific procedures for deciding which matters rise to a level warranting investigation by OIOS and for prioritizing the cases for investigation.

4. Structuring the Investigations Division optimally is a major challenge for OIOS. The driving factor in determining the structure of the Division is the distinction between the two main types of cases investigated by OIOS, namely sexual exploitation and abuse cases and financial, economic and administrative cases, and the need to create specialized teams to investigate the respective cases effectively. Optimization of the investigator's skills and expertise in these two distinct types of investigations has been a primary consideration in the structuring of the Division. OIOS will realize further economies of scale and efficiency by repositioning the resident investigators from the peacekeeping missions to one of three regional centres: New York, Vienna and Nairobi.

5. The Secretary-General takes note of the approach OIOS is taking to improve the functioning of the Investigations Division and of the actions that are within the authority of the Under-Secretary-General to implement and looks forward to seeing the results. The Secretary-General also recognizes that there are financial implications associated with these actions, particularly the restructuring, which will be submitted to the General Assembly for approval in the appropriate budget cycle.

6. The Secretary-General is concerned, however, that the capacity of other areas of the Organization that are mandated to carry out investigations is insufficient and needs to be looked at alongside the review carried out by OIOS. Programme managers, the Office of Human Resources Management, the Department of Safety and Security and others are all called upon to carry out investigations, yet in many cases they do not have a standing capacity to do so. Such capacity must be developed and adequately supported by training and governed by detailed sets of standards and guidelines that inform all concerned parties of their rights and obligations during investigations.

7. In addition, the panel appointed by the Secretary-General in 2006 to redesign the Organization's system of administration of justice touched on the fragmented nature of the existing investigation capacities in the United Nations. In paragraph 162 of its report (A/61/205), the Panel pointed out the need for a clear framework of cooperation and coordination between the existing internal justice system and OIOS.

8. Concerns have also been raised regarding due process rights. There is a lack of clearly defined due process rights in the various investigations, whether they are conducted by OIOS, programme managers or the Department of Safety and Security. While due process rights are defined in the OIOS investigations manual, it is essential that they withstand the review of the United Nations Administrative Tribunal and be applied uniformly in all investigations conducted in the Organization.

9. In view of the foregoing comments, the Secretary-General plans to report to the General Assembly after conducting a broader review, which will provide a comprehensive approach to investigations across the United Nations. The review will be guided by the recent experience of the Organization, including in the context of the investigations concerning the oil-for-food programme and the investigations carried out by the Procurement Task Force, as well as the practices of other international organizations that have taken steps to strengthen their internal investigative capacities. It will also take into account the accountability and independence of the Organization's investigative capacity. In this connection, it may be useful to study the examples of other international organizations, such as the World Bank and the European Union. Also to be taken into account will be the reform of the system of administration of justice, the report of OIOS below and the reports on the accountability framework, results-based management and the enterprise risk-management and internal control framework.

10. The Secretary-General recognizes that the Procurement Task Force investigations within OIOS need to continue without delay, as set out in the report of the Secretary-General on resource requirements for procurement investigations (A/62/520), and that the ongoing work of OIOS shall continue notwithstanding the comprehensive review. In this respect, the work of the Task Force should continue, pending approval of the resource requirements and the implementation of actions to strengthen the investigations function that are under the authority of the Under-Secretary-General for Internal Oversight Services.

11. **In this connection, the General Assembly may wish to take the following actions:**

(a) **Take note of the annex to the present report on strengthening the functioning of the Investigations Division of OIOS, and note that any changes that have financial implications are subject to the review and approval of the General Assembly in accordance with established procedures;**

(b) **Request the Secretary-General to submit at its sixty-third session a report on the outcome of the comprehensive review of investigations in the United Nations, taking into account the reform of the system of administration of justice, the report of OIOS on strengthening its investigation function (see annex), reports on the accountability framework, results-based management, the enterprise risk-management and internal control framework and any decisions taken by the General Assembly in this regard.**

Annex

Report of the Office of Internal Oversight Services on strengthening its investigation function

I. Introduction

1. The present report summarizes efforts to strengthen the investigation function of the Office of Internal Oversight Services (OIOS) and is submitted in response to requests by the General Assembly that the Secretary-General report to the Assembly in the context of the programme budget for the biennium 2008-2009 on the functions, structure and work processes of the Investigations Division with a view to strengthening the investigation function (resolution 61/275) and that he provide a comprehensive report to the Assembly at its sixty-second session on the results of the ongoing examination and rationalization of the investigation caseload and the overall review of the capacity of the Investigations Division (resolution 61/279).

2. Investigation is a function of OIOS mandated by the General Assembly along with internal audit, monitoring, inspection and evaluation. To carry out this function, OIOS has established the Investigations Division. At the 2005 World Summit, Member States decided that the expertise, capacity and resources of OIOS in respect of audit and investigations would be significantly strengthened as a matter of urgency (resolution 60/1). However, the report of the Steering Committee on the Comprehensive Review of Governance and Oversight within the United Nations and Its Funds, Programmes and Specialized Agencies (A/60/883/Add.2, vol. V), which was submitted in response to that resolution, was weak and lacked any compelling analysis with regard to the investigation function of OIOS, and recommended only that investigations be separated from the other functions of OIOS.

3. OIOS has put forward its proposals for strengthening the other mandated functions of the Office (A/60/901), including a proposal to conduct a further internal review that would be used as a basis for deciding on the strengthening of the Investigations Division.

4. The Under-Secretary-General for Internal Oversight Services subsequently commissioned a review of the Investigations Division, which was conducted by an external expert from 15 March to 15 June 2007. The expert's report was submitted to the Under-Secretary-General on 26 June 2007 and formed the basis for strengthening the OIOS investigation function.

5. With the necessary reviews now complete, OIOS has the benefit of thorough independent analysis to use as a basis for determining what actions to take to strengthen its investigation function. These actions are outlined below.

II. Summary of the expert review of the investigation function

6. The Advisory Committee on Administrative and Budgetary Questions recommended that the investigation function be maintained in the Office of Internal Oversight Services "with such refinement as may be possible after the completion of the special review" (A/61/605). That report responded to a proposal in the report of the Steering Committee mentioned in paragraph 2 above to create a separate

investigative function in the Office of Legal Affairs. The General Assembly did not support that proposal and endorsed the recommendations of the Advisory Committee.

7. With the question of separating the investigation function from OIOS having been dealt with by the General Assembly in its resolution 61/245, OIOS embarked on a process to undertake a review in order to ascertain the priorities for strengthening the function. The overall goal of the Under-Secretary-General for the review was to identify the actions required to make the Investigations Division the best among its international organization peers.

8. The terms of reference of the review were broad in scope and had the objective of analysing and evaluating the management, organizational structures, operational practices and effectiveness of the Investigations Division in discharging its mandate, as well as evaluating quality and efficiency with respect to its investigative activities and reports using relevant comparators (other international organizations) as benchmarks.

9. The review was undertaken by an expert who has extensive experience in international investigations and practices in the public sector. It included extensive document reviews and interviews with Investigations Division staff, senior managers in the United Nations and heads of investigation functions in comparable international organizations. In total, 89 in-depth interviews were conducted from mid-March to mid-June 2007.

10. The expert was under contract to deliver a comprehensive assessment of the Investigations Division, as set out in the terms of reference, and to report on the findings and offer recommendations for improvement. The expert worked independently and provided a comprehensive report on 26 June 2007.

11. In the report, the expert noted that the Investigations Division had not articulated a clear and consolidated operational strategy that would clearly define the goals of the Division and provide staff with a common basis for decision-making. This was found to be particularly evident with respect to the prioritization of cases within the Division. While the prioritization of cases appeared to be a key process in other organizations, such as the European Anti-Fraud Office of the European Commission and the World Bank's Department of Institutional Integrity, there was no such operational strategy for managing cases within the Investigations Division.

12. The report also pointed out the need to structure the Office optimally to ensure high quality and faster progression of cases, to empower the team leaders and to ensure proper responsibility and accountability. OIOS concurred with the expert's views regarding the strategic support and infrastructure required to establish New York as the headquarters of the Investigations Division. The review also proposed the establishment of an intake committee made up of the senior managers of the Investigations Division.

13. The expert also recommended that the Investigations Division:

(a) Develop a new electronic case management system with improved security case file management and archiving;

(b) Improve policies on internal and external communication and interaction: clarify the roles of the function, which matters the Division investigates and which are not within its purview and how and to whom case information and reports are disclosed, and build relationships with other functions within OIOS and with other

Secretariat entities (the Department of Management and the Office of Legal Affairs) and investigative offices in other international organizations; and improve internal communications within the Division itself;

(c) Provide investigators with basic tools and equipment;

(d) Develop procedures for dealing with sexual exploitation and abuse cases;

(e) Update and consolidate the Manual of Investigation Practices and Procedures to bring it in line with best practices and make it accessible to all staff as a reference document, particularly for new staff.

14. The expert added in his conclusion that despite the structural and organizational weaknesses and challenges in the Division, overall it had professional and dedicated investigators who strove to achieve the best results. Some of the investigators are key personnel who possess the skills, knowledge and experience needed to bring about positive change in the Division. The expert warned that unless major efforts to effect change were initiated in the near future, there would be a high risk of losing those very staff members who had both the ability and the knowledge required to bridge the gap to a strengthened Investigations Division.

III. Actions for strengthening the investigation function

15. On the basis of the conclusions and recommendations of the expert, OIOS has decided to initiate actions that pay particular attention to strengthening the Investigative Division in the following areas:

- Effective leadership and management
- Operating strategies and procedures
- Optimal structure and location

16. The operational independence of OIOS is the foundation on which its mandated functions, including investigations, are based. For investigations to have legitimacy and trust they have to be impartial, objective and independent, both in fact and in perception, and thus be protected from any external influence. Operational independence is a quality in itself and key to building trust among stakeholders and United Nations staff.

17. In establishing OIOS, the General Assembly decided on the operational independence of the Office in clear terms (resolution 48/218 B). The importance of this independence has been referred to in subsequent Assembly resolutions adopted following the five-year reviews of the OIOS mandate (54/244 and 59/272). Given that the operational independence of the Office and its investigations is guaranteed in its mandate, it is imperative that any action taken to strengthen the investigative function be built on the foundation established in resolution 48/218 B.

A. Effective leadership and management

18. In order to appreciate the current challenges faced by the Investigations Division with respect to leadership and management, it is essential to review the changes that have occurred in the Division. In terms of staffing, the Division

increased from 5 staff in 1994 to 16 in 2002 to 24 in 2004, and then steeply to 112 in 2006. This number includes senior and middle management, administrative and support staff and investigators located in New York, Vienna, Nairobi and several of the large peacekeeping missions. The decision in 2005 to place investigators in peacekeeping operations and to give OIOS the responsibility for investigating sexual exploitation and abuse cases are the main reasons for the increase in posts.

19. The transition from a small investigative unit comprising 20 to 30 staff based primarily in New York (which was the situation in as late as the second quarter of 2005) to a large division that has staff located worldwide is significant and demands a fundamental change in strategy, structure, organization and leadership to ensure successful operation. The deployment of staff in challenging environments worldwide requires sound strategic plans, a robust operational infrastructure and, most importantly, strong leadership.

20. The expert reported that in order to meet the requirements for change, the Division must rebuild the trust and respect that had eroded in recent years. The Division must develop a new vision for investigations and, more importantly, the senior managers in the Division must have the ability, dedication and leadership skills required to implement and facilitate essential changes. The terms of reference of the Director of Investigations, developed with the benefit of the review, reflect the qualities required for the proper leadership of the Division to ensure the effective and efficient delivery of the mandated function. The recruitment process is currently under way.

21. The leadership will, however, have to be supported by effective structures, strategic support at Headquarters and sound operational strategies and procedures. The Deputy Director of the Investigations Division has been charged with managing the implementation of the strengthening initiatives indicated in the present report.

B. Operational strategies and procedures

Investigations manual

22. The expert reported that the current investigations manual was noticeably lacking in useful and practical information for the investigators compared with similar manuals used in other international organizations and that it did not contain sufficient working instructions for conducting investigations. The expert also observed that the manual did not adequately serve as an introduction to the Division or the Organization, which is particularly relevant for new staff. Investigators in the Division have backgrounds as lawyers or investigators working in law enforcement agencies, and their experience and knowledge of law enforcement proceedings do not automatically translate into knowledge of the rules, regulations and proceedings of an internal, administrative investigative unit within the United Nations. Investigators may need guidance, for example, in obtaining evidence and information without the power and authority they may have possessed in other contexts. New investigators need an organized and comprehensive manual that provides background information on internal administrative investigations as well as instructional rules, regulations and procedures that are specific to their investigative work in the Division.

23. Another important benefit of an investigations manual is the promotion of transparency and accountability. Complainants, witnesses, subjects, victims, clients and stakeholders of the Division should be able to access information that explains the way in which investigations are conducted.

24. Taking all of the above into consideration, OIOS concurs with the expert's recommendation to establish a process for ongoing review and maintenance of an investigations manual. Transparency of procedures, facilitating an understanding of the process and the accompanying procedures involved in investigations, leads to an increase in trust from those outside the Division, as it shows the predictability of the process. It also instils a sense of accountability in investigators and their supervisors. Thus, the combination of transparency, predictability and accountability, further serves to protect individuals, since investigators are more compelled to follow the procedures and rules as set out in a widely accessible manual. The process to review and update the manual is currently under way.

Case intake and prioritization

25. Managing the OIOS caseload is a primary responsibility of senior management in the Investigations Division. The caseload as at 30 November 2007 was 252 cases. The breakdown of those cases into categories is provided in the table below. OIOS has during the past two years clarified the different concepts in the caseload statistics, and a clear distinction is now made between a "matter", which is an allegation or complaint brought to the Division, and a "case", which is essentially a matter that has been screened through the intake process. One of the first tasks undertaken by the Acting Director was a thorough analysis and evaluation of the caseload. The result of the Acting Director's efforts is a more accurate inventory of cases, which is now monitored and updated regularly. The caseload shown in the table does not include the cases being investigated by the OIOS Procurement Task Force.

Cases under investigation, by category, as at 30 November 2007

	Total cases		*Peacekeeping cases*	
Category	*Number*	*Percentage*	*Number*	*Percentage*
Financial	42	17	19	45
Inventory/assets	21	8	16	76
Management	28	11	16	57
Personnel[a]	72	29	34	47
Procurement[b]	7	3	5	71
Programmatic	4	2	2	50
Sexual exploitation and abuse	78	31	78	100
Open active investigations	**252**	**100**	**170**	**67**

[a] Includes misconduct by staff members that does not fall into another category.

[b] Procurement cases with the Investigations Division. As agreed, the Procurement Task Force is responsible for all other procurement cases.

26. No investigative unit can feasibly investigate every allegation or complaint received, nor would it be justifiable to do so. Deciding, therefore, which cases warrant further investigation is critically important. The expert commented that cases must be prioritized in a manner that produces reliable and consistent results and that is based on a specific set of objective criteria in order to optimize investigative resources and provide the necessary controls.

27. The Investigations Division has a case assessment process in place with established criteria for guidance in deciding which complaints warrant investigation and which should be dealt with through other mechanisms, such as referral to the Office of Human Resources Management or the programme manager. The expert recommended, however, that a special committee be established to make more informed decisions on case intake. OIOS concurs with this concept and will establish a Case Intake Committee in the Investigations Division. The Committee will comprise three individuals: the Director and the two Deputy Directors of the Division. Since decisions regarding which cases to investigate may also have implications for resources applied to ongoing cases, the Case Intake Committee will also oversee the progression of the ongoing case investigations and have the authority to change priorities and direction as it deems appropriate.

Comprehensive standard operating procedures

28. Standard operating procedures constitute the operational working instructions or procedural guidelines and the rules of conduct for investigators. Such procedures may also serve to inform other interested parties of the possibilities, limitations and processes of an administrative investigation conducted within the Organization.

29. The Uniform Guidelines for Investigations developed by the Conference of International Investigators in April 2003 made the recommendation to establish, publish and update clear rules of conduct for staff, investigators and relevant parties. In order to ensure adherence to uniform investigative procedures, written standard operating procedures must be set out for each major step of the investigative process.

30. Fairness and due process considerations are of little value without explicitly written rules and regulations for proceedings, as consistency and reliability are not guaranteed in their absence. Not only does the lack of such procedures negatively affect the rights that should be accorded to individuals during an investigation, but it also makes it difficult, if not impossible, for complainants, witnesses, subjects of an investigation and other concerned parties to understand and act in accordance with any such rules and regulations.

31. In determining which standard operating procedures are basic and necessary for the effective functioning of any investigative unit, it is important to understand the core principles involved in conducting an investigation. The following principles are set out in the World Food Programme investigative handbook, which OIOS regards as an example of good practice:

- Thoroughness — diligent, complete and focused manner
- Use of appropriate techniques — proportional to objectives
- Independence and impartiality — a fair and equitable manner

- Objectivity — unbiased and independent manner to determine the validity of an allegation
- Ethics — respectful conduct towards all parties
- Timeliness — quick investigations without compromising quality
- Accuracy — in the presentation of facts, conclusions and recommendations to be supported by adequate documentation
- Legal considerations — in accordance with applicable rules and regulations
- Due process — fairness to the subject in the disclosure of complaints made
- Confidentiality — efforts are made to keep the identity of staff members and others involved confidential

32. In 2006, the Acting Director recognized the need to refine and further develop standard operating procedures and encouraged investigators with the interest and expertise to establish special working groups to develop them.

33. In his preliminary review of the draft standard operating procedures, the expert concluded that they appeared to be written by highly qualified investigators who possessed a thorough understanding of the investigative process. More importantly, the draft procedures appeared to begin to address many of the deficiencies. Once these procedures have been adopted and staff have been trained, the investigations manual will be updated accordingly.

34. Draft standard operating procedures have been developed by the Investigations Division in the following areas:

(a) Evidence-handling;

(b) The information-receiving process;

(c) The case-initiation process;

(d) The preliminary investigation processes;

(e) The investigation-planning process;

(f) Initial case assessment;

(g) The case-assessment process;

(h) Interaction with military contingents;

(i) Information technology forensics;

(j) Glossary of terms;

(k) Contact between the Department of Peacekeeping Operations and OIOS;

(l) Media contact;

(m) Contact with national authorities;

(n) The handling of informants;

(o) The management of major investigations.

Investigative tools and technology

35. The expert rec mmended that the Investigations Division make increased use of computer forensic tools in order to take advantage of information technology capabilities and that it direct its efforts towards strengthening computer forensic skills, tools and resources generally in the Division.

36. The Division will incorporate new computer forensic methods, tools and practices (such as data-mining) to improve its ability to detect fraud. The implementation of this recommendation is being addressed in the context of the development of the standard operating procedures for information technology forensics.

37. The expert reported that the current OIOS case management system was inadequate and should be replaced by a system that met the requirements of the users and was secure, reliable and accessible worldwide. The expert made extensive recommendations on improving the use of technology with respect to the case management system, which is a vital tool for the operation of any investigative unit. According to the expert, the system used must be reliable, effective and accessible worldwide to all Investigations Division staff members in all offices. Furthermore, it should serve as a means of ensuring confidentiality protection, which is a major concern for all investigative units. Therefore, an effective case management system ensures that only strictly authorized persons have access to the files and that any changes made are recorded systematically in an audit trail.

38. OIOS agrees that the case management system is a central tool that enables users to plan, organize and manage investigative work in an efficient and effective manner. OIOS also agrees that the Division's current case management system should be replaced. This is a key project for the Division that will be initiated after funds for information technology tools are approved in the 2008-2009 proposed programme budget for the biennium.

C. Structuring the Investigations Division for optimal performance

39. The expert's report concluded that there are several possible structures for an effective Investigations Division and that the present organizational structure was one of the main factors contributing to the problems facing the Division.

40. The most significant of the expert's proposals for a new structure are:

- To establish specialist teams of investigators
- To organize the Division in three main centres, in New York, Geneva and Nairobi, with the headquarters in New York

41. OIOS has studied the proposals carefully and concurs with the principles in the expert's recommendations and the need for changes in the structure of the Division. The principles of the restructuring have been discussed with the Department of Field Support, from the perspective of the implications for it on the funding it provides for resident investigators and from the perspective of changes in the location of investigators covering the peacekeeping missions. The Department of Field Support expressed support for the proposals.

Specialization of investigators

42. With regard to the types of investigations conducted, OIOS broadly separates its cases into two types: (a) cases involving financial or economic misconduct by staff members or contracted third parties and administrative misconduct by staff members; and (b) cases involving sexual exploitation and abuse by United Nations staff members. This distinction between types of cases does not change the categorization of matters into category I and category II as established by the General Assembly in its resolution 59/287, nor will it change the scope and extent of the investigations that OIOS is mandated to undertake.

43. The skills and experience required for the two types of investigation undertaken by the Investigations Division vary significantly, and the experience of OIOS over the years, combined with the expert's report, provide a compelling argument for placing investigators in specialized teams/units. Investigators of sexual exploitation and abuse cases must be experts who have had experience in sex crime investigations, particularly those involving children, and must have access to modern forensic methods. An investigator who has expertise in dealing with issues of sexual exploitation and abuse would not necessarily possess the same level of expertise for the investigation of complex fraud cases. Similarly, it is unlikely that a sexual exploitation and abuse investigator would have the level of expertise needed to specialize in investigating "white-collar" crime, namely, knowledge of business procedures as well as informal ways of concealing corruption, fraud and embezzlement. OIOS has decided therefore that the teams should be staffed by investigators who have the requisite amount of skill and expertise in the respective area.

44. Specialization will produce greater focus and encourage the development of expertise in the particular type of investigation, as well as the development of appropriate tools and techniques, all of which will improve the quality and speed of investigations conducted. OIOS will continue to focus on category I matters and, where required, category II matters as well. The specialization simply means that OIOS will match the cases with the appropriate investigative skill set for that type of case.

45. The concept of a holistic approach to zero tolerance for sexual exploitation and abuse is also a supporting factor in the move of OIOS towards the specialization of investigations. In this regard, OIOS has started to work closely with the Conduct and Discipline Teams in the peacekeeping missions and with the Department of Safety and Security to build a comprehensive response to this issue and to ensure that there is absolute clarity with regard to the roles of the different offices.

46. OIOS will implement specialist investigation teams/units in conjunction with the restructuring of the Investigations Division.

Concentration of investigators in three regional centres

47. The expert recommended that the structure of the Investigations Division would be optimal if the investigators operated out of three regional centres, located in New York, Geneva and Nairobi. Such a structure would:

- Ensure that investigators are working together in teams to ensure optimal case planning, organizing and steering in each case investigated by the Division

- Shorten the chain of command as well as the reporting lines, which would speed up the amount of time between the receipt of allegations and the submission of the final case report to the programme manager
- Increase responsibility and accountability for supervisors as well as every staff member in the Division
- Ensure uniform decisions and accurate assessments in the intake process as well as in the report-writing stage
- Ensure that total quality management and internal control systems are in place
- Ensure that investigators maximize the relationship and synergy with other OIOS disciplines

48. OIOS concurs with the expert's conclusion and the proposal to concentrate the investigative capacity in three regional centres. However, OIOS concludes that Vienna should remain one of the three centres rather than creating a new investigation centre in Geneva, as proposed in the expert's report.

49. OIOS will therefore relocate investigators from the peacekeeping missions to the United Nations Offices at Vienna and Nairobi and to New York. The advantage of this structure is that the investigators will be co-located in a larger pool, offering the Division more options for ensuring that the specific skills required for a case are readily accessible while still being close enough to the peacekeeping missions to be able to respond to any critical need within a few business days. In addition, this structure ensures that the investigators' time and expertise are maximized by being directed to high-risk cases within the remit of the relevant regional centre rather than being limited to cases within the assigned peacekeeping mission. The structure also provides staff with an environment more conducive to professional interaction with colleagues and to obtaining cost-effective training and support. Such a structure also ensures more effective management of cases and more effective supervision of investigations.

50. The strong arguments in support of this change in the structure emanate from the experience of having resident investigators located in the missions for the past two years. Currently, OIOS teams that are resident in the peacekeeping missions consist of three to eight investigators in each mission. In total, OIOS has 33 investigators based in field missions. Experience has shown that in order to conduct high-quality investigations, the resident investigator teams should comprise specialist expertise in sexual exploitation and abuse as well as financial, economic and administrative investigations. These specialist skills, however, are rarely found in the same individual.

51. The experience of the Procurement Task Force shows that highly qualified and specialized teams may carry out and complete complicated investigations after only a couple of field visits of a few weeks each. The Task Force is based in New York, and its investigators travel to the missions to conduct their investigations.

52. The challenge for small mission-based teams, therefore, is to conduct high-quality investigations with limited staff in both sexual exploitation and abuse and financial, economic and administrative cases. A further challenge is to conduct those investigations in a timely way while maintaining the standard practice of having a minimum of two investigators on each case to ensure integrity and quality

in the process as well as to allow investigators to take their authorized time off from the mission.

53. As a result of these challenges, investigations frequently take a long time to conclude, and OIOS is often criticized for not finalizing investigations promptly. The lengthy investigation time is a major problem for cases in the missions and is in itself an impediment to high-quality work. It also delays decision-making on the part of management and the administrative follow-up of an investigation.

54. From experience, OIOS regards five investigators and one administrative assistant as an absolute minimum in every mission. In the big missions, such as the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Mission in the Sudan and the United Nations Operation in Côte d'Ivoire, where the number of sexual exploitation and abuse cases is significant, the size of the team should be at least double the minimum. This arrangement is, however, not cost-effective for the Organization in terms of overcoming the challenges faced by having resident investigators in the missions. In addition, the consequence of the time-off rules for staff based in the peacekeeping missions reduces the time effectively available to conduct investigations.

55. There are cost implications associated with this structural change, and OIOS will present them to the General Assembly for consideration in the context of the proposed budget of the support account for peacekeeping operations for 2008/09. OIOS also foresees servicing new peacekeeping missions the United Nations Assistance Mission for Iraq and the United Nations Mission in the Central African Republic using existing resources in the new structure, whereas the old structure would require new posts (approximately 18) to establish resident investigator teams in the two missions. In summary, while there are cost implications of moving staff to the regional centres, there are also cost savings, in that OIOS will be able to cover the Organization's operations with approximately 18 fewer posts.

Approach to the investigation of financial, economic and administrative misconduct allegations

56. OIOS will restructure to deal effectively with financial, economic and administrative misconduct allegations involving staff and contracted third parties (vendors, consultants and contractors).

57. The main element of this restructuring is that the principal Deputy Director in the Investigations Division will be given responsibility for investigations that are financial, economic and administrative in nature. The principal Deputy Director will also have the lead in developing the Division's methodologies, tools and specific practices for financial, economic and administrative investigations, as well as in training the investigators and reviewing the draft reports from all the teams conducting this type of investigation.

Approach to the investigation of sexual exploitation and abuse allegations

58. Currently, the responsibility for investigating sexual exploitation and abuse allegations in peacekeeping missions is decided by the Conduct and Discipline Teams in the missions and the Investigations Division on a case-by-case basis. There is no formal system in place to determine how different types of cases are handled or channelled. In practice, the Chief Resident Investigator generally decides

which cases are to be investigated by the Investigations Division and which are to be dealt with by a Conduct and Discipline Team. The results of the Division's investigations are reported to senior management in the Department of Peacekeeping Operations.

59. In the opinion of OIOS, the only effective way to combat sexual exploitation and abuse is to conduct training and awareness programmes aimed at prevention as well as to hold troop commanders accountable for the actions of the troops under their command. The creation of an efficient, objective, effective and timely system for the conduct of investigations is important not only as a means of seeking justice, but is also a critical component in the deterrence and prevention of sexual exploitation and abuse cases. In the missions, the training and awareness programmes are conducted primarily by the Conduct and Discipline Team. Reliable and thorough investigations may also play a role in prevention, provided that the investigation itself reveals facts and information to potential perpetrators of sexual exploitation and abuse regarding the risks and consequences of exposure. However, OIOS would like to point out that when a case is received for investigation, it is tantamount to proof that preventative actions have failed. Once cases reach OIOS for investigation it is already too late.

60. OIOS will, in close cooperation with the Department of Field Support and the Department of Safety and Security, seek to clarify its role in sexual exploitation and abuse cases on the basis that the Investigations Division will continue to investigate such cases within the framework of the responsibilities of the different investigative units in the missions. In its resolution 61/276, the General Assembly stressed the importance of eliminating misconduct, including sexual exploitation and abuse, and requested the strengthening of cooperation and coordination among the Conduct and Discipline Teams, OIOS and other entities in the United Nations system. The new approach to sexual exploitation and abuse investigations should also take into account resolution 61/267 B, in which the Assembly endorsed amendments to the model memorandum of understanding with troop-contributing countries that give the Government concerned primary responsibility for investigating members of its national contingent. This will significantly change the role OIOS plays in the investigation of sexual exploitation and abuse cases involving members of national contingents.

61. The clarification of roles implies the development of a clear delineation limiting the sexual exploitation and abuse cases to be investigated by the Investigations Division to the following types:

(a) Rape; and

(b) Sexual exploitation and abuse involving minors (those under 18 year of age).

62. Clearly defining the Investigations Division's caseload to focus on these specific types of cases, already established by the General Assembly as category I, will allow investigations to proceed in a proper and timely fashion, ultimately leading to an increase in the number of cases that have been effectively resolved. It will also allow professional investigators to direct their resources towards the most serious of violations, as well as allowing for cases to be properly followed up, in an effort to provide for the best interests of the victims, the Organization and the subject.

63. Such clarification of roles will require further discussion among OIOS, the Conduct and Discipline Teams and the Department of Safety and Security on their respective roles and responsibilities to ensure that there are no gaps in the Organization's response to sexual exploitation and abuse allegations.

64. Within OIOS, the investigation of sexual exploitation and abuse allegations will be led by a Deputy Director, who will be responsible for all final investigative reports on sexual exploitation and abuse cases and will provide support and training to team members dealing with those cases in all locations.

65. The approval by the General Assembly, of the model memorandum of understanding prescribing a primary role for the Governments of the troop-contributing countries in investigating members of their own national contingents (see para. 60 above) changes the role played by the Investigations Division in the investigation of troops and further supports the relocation of investigators from the missions to the regional centres, to be brought in as and when required.

Procurement Task Force

66. As mentioned above, the quality and success of the OIOS Procurement Task Force investigations underscore the advantages of specialist professional investigators and provides further justification for the restructuring of the Division into specialized units. Experts in the field will provide specialized, cutting-edge knowledge, as well as knowledge of changes in the applicable rules and regulations of a given field. The Division is currently not structured in a way that optimally utilizes and takes advantage of the strengths and abilities of its individual investigators.

67. The Procurement Task Force was established in January 2006 as an ad hoc team that brought in external investigators specifically selected for their expertise to deal with the complex procurement investigations arising out of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme. To date, the Procurement Task Force has completed more than 100 cases and issued 25 reports. A report on the activities of the Task Force is provided in document A/62/272.

68. OIOS will successively integrate the model of the Procurement Task Force within the Investigations Division. Like the Task Force, the investigators in the teams responsible for financial, economic and administrative misconduct investigations will have to have specialist skills, and will also have expertise or be trained in the use of specialized tools to carry out their functions effectively and efficiently.

69. Unfortunately, the expert's report on the review of the Investigations Division and the discussion of the results was not available at the time that the 2008-2009 regular budget was due for submission, and thus no provision was made in the budget for incorporation of the Procurement Task Force caseload into the Investigations Division. The Secretary-General has subsequently submitted a report on resource requirements for procurement investigations (A/62/520) in which he proposes interim arrangements for the Procurement Task Force for 2008.

70. In accordance with the aforementioned principles, OIOS will restructure the Investigations Division as outlined below.

Proposed new structure for the Investigations Division

Headquarters (New York)

71. As explained above, the Director of the Investigations Division will be located in New York and will report directly to the Under-Secretary-General for Internal Oversight Services.

72. The Director of the Division will be accountable to the Under-Secretary-General for the overall operations of the Division. Those directly reporting to the Director will be:

- The principal Deputy Director, also located in New York
- The Deputy Director, located in Nairobi
- The New York Investigations Unit
- The Chief of the Administrative Unit

73. The principal Deputy Director, located in New York will be accountable to the Director for:

- General management of the Division, including budget and case management
- Supervision of the following units:
  - European Investigation Unit
  - Training Unit
  - Professional Practices Unit
  - Information Technology Forensic Unit
- Chairing the Investigations Division Intake Committee
- All investigations relating to financial, economic and administrative misconduct involving staff members and contracted third parties

74. The Chief of the New York Investigations Unit will be responsible for supervising the two teams — financial, economic and administrative, and sexual exploitation and abuse.

European office (Vienna)

75. The European office will be headed by a Chief of Office, who will report to the principal Deputy Director in New York.

76. The Investigations Division office in Europe will conduct investigations into matters arising from the operations of the Organization's offices in Vienna, Geneva and other offices in Europe, as well as providing investigative services to peacekeeping missions located in West Africa, the Middle East and Asia (the United Nations Mission in Liberia, ONUCI, the United Nations Interim Force in Lebanon, the United Nations Peacekeeping Force in Cyprus and the United Nations Integrated Mission in Timor-Leste). The European office will also include a financial, economic and administrative misconduct team and a team to investigate sexual exploitation and abuse cases. The sexual exploitation and abuse team in the European office will take guidance from the Deputy Director responsible for this

type of investigation, and as such all reports relating to this team will be finalized by the responsible Deputy Director.

77. Each of the two teams will be headed by a team leader reporting to the Chief of the Investigations Division European office.

African office (Nairobi)

78. The Chief of the Investigations Division office in Africa will be a Deputy Director who will report directly to the Director the Division. The Chief will also be the Deputy Director, mentioned above, who has responsibility for all sexual exploitation and abuse investigations conducted by the Division and will be the OIOS focal point for dealing with such cases.

79. Similar to the set-up in the European office, the African office will comprise two teams conducting two different types of investigations — financial, economic and administrative misconduct, and sexual exploitation and abuse. For all investigations of financial, economic and administrative matters, the reports will be finalized by the principal Deputy Director, based in New York, who has been assigned responsibility for this type of investigation. The African office will be responsible primarily for investigating cases arising out of the Organization's operations in the United Nations Office at Nairobi and peacekeeping missions located in East and Central Africa (MONUC, UNMIS, the United Nations Operation in Burundi, the United Nations Mission in Ethiopia and Eritrea, UNAMID and MINURCAT).

80. As mentioned above, the most significant change in the current structure is the transfer of investigators and other support staff, as required, from the missions to regional offices in New York, Vienna, and Nairobi.

Number of staff in the Investigations Division

81. The implementation of the regional centre model and the subsequent relocation of the resident investigators from the missions to those centres will result in less demand for additional posts when new missions are mandated. As an example, and as stated above, the current structure would have required new resident investigator posts to staff the missions in Darfur and Chad, whereas existing resources will be used if investigators are co-located as proposed in the regional centre model. The number of posts in the Investigations Division is therefore dependent on the structure of the Division.

82. In future, OIOS may require more non-post resources to support the operational strategy with regard to information technology forensics. Posts that become vacant will, over the next biennium, be re-encumbered by staff with the specific skills and competencies required to build teams in each of the regional offices as set out above. OIOS will also use this opportunity to establish an appropriate balance between the number of investigators in the Division who have backgrounds as lawyers and as investigative law enforcement professionals.

83. The proposed structure represents an opportunity to build a better, more cohesive and more effective organization that will be supportive of the investigators in their work, especially when combined with the right leadership.

IV. Conclusions

84. The key action to be taken to strengthen the leadership and management of the Investigations Division is the appointment of a Director. The terms of reference of the Director, Investigations Division, have been posted, and the recruitment process is planned for completion by March 2008.

85. OIOS has already initiated actions to strengthen its operating procedures. As indicated, working groups comprising Investigations Division staff members are in the final stages of developing standard operating procedures for several key aspects of the Division's work. The Deputy Director is charged with finalizing and implementing the procedures, as well as other actions relating to operating strategies and procedures of the Division, including the maintenance of the investigations manual, case intake procedures, information technology tools and the case management system.

86. The implementation of the restructuring of the Investigations Division will be approached with care and with full consideration of the impact that the specialist team/unit concept and the relocation of investigators from the peacekeeping missions will have on the affected staff.